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Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			FOX, BRYAN J	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,975

Applicant(s)

ROSEN ET AL.

Examiner

Bryan J Fox

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20020903</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 7, 9, 13, 14, 18, 20, 24, 26, 30, 31, 35, 37, 41, 43, 47, 48, 52, 53, 58, 60, 64 and 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Dailey (US006449491B1).

Regarding claim 1, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that “wins” the traffic channel (see column 10, lines 8-20), which reads on the claimed “method for avoiding simultaneous service origination and paging in a mobile operating in a group communication network”. A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed “receiving a floor-control request from a source communication device for initiating a group call”. In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination

message (see column 8, lines 44-49 and figure 7), which reads on the claimed "initiating a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed "transmitting a response to the floor-control request from a controller after the service origination process is complete".

Regarding claim 3, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed "the receiving includes receiving the floor-control request on a reverse common channel".

Regarding claim 7, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "method for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "initiating

a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed "transmitting a response to the floor-control request from a wireless infrastructure after the service origination process is complete".

Regarding claim 9, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed "the receiving includes receiving the floor-control request on a reverse common channel".

Regarding claim 13, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "method for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "initiating a service origination process for the source communication device". After designation

of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed "transmitting a response to the floor-control request".

Regarding claim 14, Dailey discloses that the confirm messages preferably are Fast Associated Control Channel (FACCH) messages (see column 9, lines 61-65), which reads on the claimed "the transmitting includes transmitting the response on a forward common channel".

Regarding claim 18, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "computer readable medium embodying a method for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "initiating a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9,

lines 47-49 and figure 8), which reads on the claimed “transmitting a response to the floor-control request from a controller after the service origination process is complete”.

Regarding claim 20, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed “the receiving includes receiving the floor-control request on a reverse common channel”.

Regarding claim 24, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that “wins” the traffic channel (see column 10, lines 8-20), which reads on the claimed “computer-readable medium embodying a method for avoiding simultaneous service origination and paging in a mobile operating in a group communication network”. A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed “receiving a floor-control request from a source communication device for initiating a group call”. In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed “initiating a service origination process for the source communication device”. After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed “transmitting a response to the

floor-control request from a wireless infrastructure after the service origination process is complete”.

Regarding claim 26, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed “the receiving includes receiving the floor-control request on a reverse common channel”.

Regarding claim 30, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that “wins” the traffic channel (see column 10, lines 8-20), which reads on the claimed “computer-readable medium embodying a method for avoiding simultaneous service origination and paging in a mobile operating in a group communication network”. A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed “receiving a floor-control request from a source communication device for initiating a group call”. In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed “initiating a service origination process for the source communication device”. After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9,

lines 47-49 and figure 8), which reads on the claimed "transmitting a response to the floor-control request".

Regarding claim 31, Dailey discloses that the confirm messages preferably are Fast Associated Control Channel (FACCH) messages (see column 9, lines 61-65), which reads on the claimed "the transmitting includes transmitting the response on a forward common channel".

Regarding claim 35, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "apparatus for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "means for receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "means for initiating a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which

reads on the claimed "means for transmitting a response to the floor-control request from a controller after the service origination process is complete".

Regarding claim 37, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed "the receiving includes receiving the floor-control request on a reverse common channel".

Regarding claim 41, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "apparatus for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "means for receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "means for initiating a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which

reads on the claimed “means for transmitting a response to the floor-control request from a wireless infrastructure after the service origination process is complete”.

Regarding claim 43, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed “the receiving includes receiving the floor-control request on a reverse common channel”.

Regarding claim 47, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that “wins” the traffic channel (see column 10, lines 8-20), which reads on the claimed “apparatus for avoiding simultaneous service origination and paging in a mobile operating in a group communication network”. A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed “means for receiving a floor-control request from a source communication device for initiating a group call”. In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed “means for initiating a service origination process for the source communication device”. After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed “means for transmitting a response to the floor-control request”.

Regarding claim 48, Dailey discloses that the confirm messages preferably are Fast Associated Control Channel (FACCH) messages (see column 9, lines 61-65), which reads on the claimed "the transmitting includes transmitting the response on a forward common channel".

Regarding claim 52, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "apparatus for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "initiating a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed "transmitting a response to the floor-control request from a controller after the service origination process is complete". Since the system both receives the origination message and transmits the response as discussed above, the system must include a transmitter and

a receiver as claimed. Further, the transceiver that has the transmitter and receiver is connected to a cellular radio exchange 614 and a mobility server 616 (see figure 6), and these devices together produce a machine such that the instructions which execute on the computer or other programmable data processing apparatus create means for implementing the functions specified in the flowchart block or blocks (see column 8, lines 7-28), so they must include the "processor communicatively coupled to the receiver and the transmitter" capable of the functions described above.

Regarding claim 53, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed "the receiving includes receiving the floor-control request on a reverse common channel".

Regarding claim 58, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that "wins" the traffic channel (see column 10, lines 8-20), which reads on the claimed "apparatus for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination

message (see column 8, lines 44-49 and figure 7), which reads on the claimed “initiating a service origination process for the source communication device”. After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed “transmitting a response to the floor-control request from a wireless infrastructure after the service origination process is complete”. Since the system both receives the origination message and transmits the response as discussed above, the system must include a transmitter and a receiver as claimed. Further, the transceiver that has the transmitter and receiver is connected to a cellular radio exchange 614 and a mobility server 616 (see figure 6), and these devices together produce a machine such that the instructions which execute on the computer or other programmable data processing apparatus create means for implementing the functions specified in the flowchart block or blocks (see column 8, lines 7-28), so they must include the “processor communicatively coupled to the receiver and the transmitter” capable of the functions described above.

Regarding claim 60, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56), which reads on the claimed “the receiving includes receiving the floor-control request on a reverse common channel”.

Regarding claim 64, Dailey discloses a system with a terminal 400 that includes a push-to-talk button 460, operatively associated with the controller 470 and used to initiate and conduct group calls (see column 7, lines 26-36). This system notifies the originating party that “wins” the traffic channel (see column 10, lines 8-20), which reads

Art Unit: 2686

on the claimed "apparatus for avoiding simultaneous service origination and paging in a mobile operating in a group communication network". A group call origination message is transmitted from an originating terminal (Block 705) and is received at one of the system transceiver units (see column 8, lines 38-44 and figure 7), which reads on the claimed "receiving a floor-control request from a source communication device for initiating a group call". In response, the system transmits a traffic channel designation message addressed to terminals in the group associated with the group call origination message (see column 8, lines 44-49 and figure 7), which reads on the claimed "initiating a service origination process for the source communication device". After designation of the common traffic channel, a confirm message is transmitted to the terminals of the group (see column 9, lines 47-49 and figure 8), which reads on the claimed "transmitting a response to the floor-control request". Since the system both receives the origination message and transmits the response as discussed above, the system must include a transmitter and a receiver as claimed. Further, the transceiver that has the transmitter and receiver is connected to a cellular radio exchange 614 and a mobility server 616 (see figure 6), and these devices together produce a machine such that the instructions which execute on the computer or other programmable data processing apparatus create means for implementing the functions specified in the flowchart block or blocks (see column 8, lines 7-28), so they must include the "processor communicatively coupled to the receiver and the transmitter" capable of the functions described above.

Regarding claim 65, Dailey discloses that the confirm messages preferably are Fast Associated Control Channel (FACCH) messages (see column 9, lines 61-65),

Art Unit: 2686

which reads on the claimed "the transmitting includes transmitting the response on a forward common channel".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 8, 19, 25, 36, 42, 53 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Phillips et al (US005873023A).

Regarding claims 2, 8, 19, 25, 36, 42, 53 and 59, Dailey et al fails to expressly disclose caching the response before sending it.

Phillips et al discloses a method for implementing a group call where messages may be queued before transmission (see column 5, lines 10-33). The queuing of a message reads on the claimed "caching".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Dailey with Phillips et al to include the above queuing of messages in order to avoid loss of information in the case that more than one message is to be sent at the same time or nearly the same time.

Claims 4, 5, 10, 11, 16, 21, 22, 27, 28, 33, 38, 39, 44, 45, 50, 55, 56, 61, 62 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Kumar et al (US006507572B1).

Regarding claims 4, 10, 21, 27, 38, 44, 55 and 61, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56). Dailey fails to expressly disclose the use of the reverse access channel.

Kumar et al discloses a system where a mobile makes an access on the RACH at the primary to request channel assignment (see column 16, lines 56-65).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Dailey with Kumar et al to include the above use of the RACH in order to be consistent with the standard of using the reverse channel for initial contact.

Regarding claims 5, 11, 22, 28, 39, 45, 56 and 62, Dailey discloses that the group call origination message is transmitted on a reverse control channel (see column 3, lines 52-56). Dailey fails to expressly disclose the use of the reverse enhanced access channel.

Kumar et al discloses a system where a mobile uses the R_EACH to request assignment of a dedicated traffic channel (see column 18, lines 8-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Dailey with Kumar et al to include the above use of the reverse enhanced access channel in order to be consistent with the standard of using the reverse enhanced access channel to request assignment of a dedicated traffic channel.

Regarding claims 16, 33, 50 and 67, Dailey discloses that the confirm messages preferably are Fast Associated Control Channel (FACCH) messages (see column 9, lines 61-65). Dailey fails to expressly disclose that the forward common control channel is used.

Kumar et al discloses a system where a primary responds on the forward common control channel (see column 16, lines 27-49).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Dailey with Kumar et al to include the above use of the forward common control channel in order to take advantage of the benefits of a common channel, such as resource sharing between many terminals.

Claims 6, 12, 23, 29, 40, 46, 51, 57, 63, 68 and 69 rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Wang et al (US 20020055364A1).

Regarding claim 6, 12, 23, 29, 40, 46, 51, 57, 63 and 68, Dailey discloses that the group call origination message has a special abbreviated format (see column 3, lines 52-56). Dailey fails to expressly disclose that the message is in short data burst form.

Wang et al discloses a system that uses a short data burst (see figure 2).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Dailey with Wang et al to include the above short data burst form in order to minimize the use of system resources by avoiding the need for a longer message.

Regarding claim 69, the combination of Dailey and Wang et al discloses that the terminal 400 includes a push-to-talk button 460 (see column 7, lines 26-36), which reads on the claimed "the source communication device includes a push-to-talk (PTT) device".

Claims 15, 32, 49 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey in view of Hunzinger (US 20020082032A1).

Regarding claims 15, 32, 49 and 66, Dailey discloses that the confirm messages preferably are Fast Associated Control Channel (FACCH) messages (see column 9, lines 61-65). Dailey fails to disclose that the response is transmitted on a forward paging channel.

Hunzinger discloses a system where an acknowledgement is received on the forward paging channel (see paragraph 20).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Dailey with Hunzinger to include the above use of the forward paging channel in order to take advantage of the benefits of a paging channel such as avoiding the need for a dedicated channel, conserving system resources.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Panchal et al (US006519239B1) discloses a method and apparatus for providing dispatch service in a CDMA communication system.

Vilmur (US006373829B1) discloses a method and apparatus for group calls in a wireless CDMA communication system using outbound traffic channels for individual group members.

Morales et al (US 20020067707A1) discloses a method and apparatus to control handoff between different wireless systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF



8-20-2004

NGUYEN T. VO
PRIMARY EXAMINER